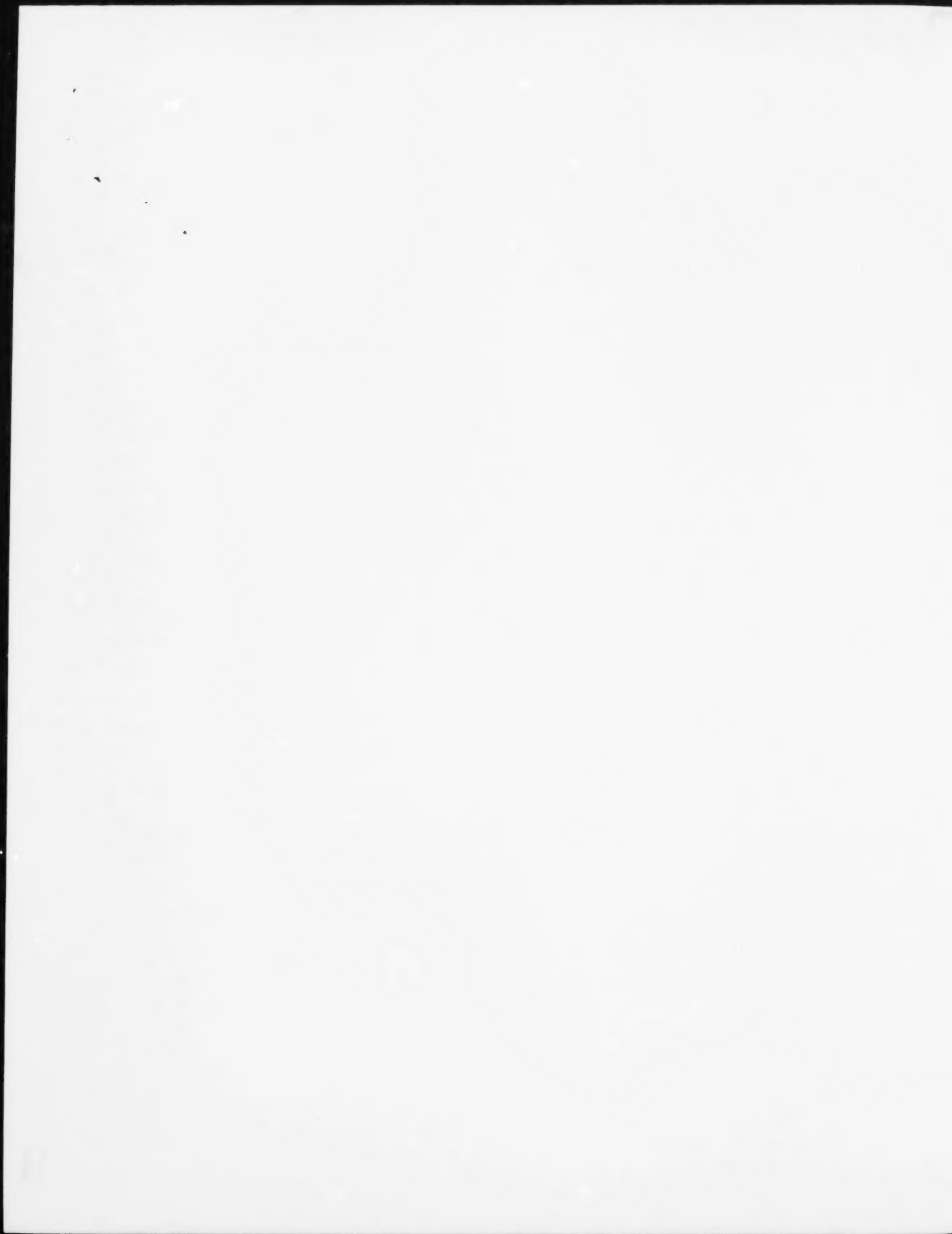




ANNUAL REPORT

April 1, 1981 - March 31, 1982







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LABOUR

403 427 3664

Office of
the Minister

404 Legislature Building
Edmonton, Alberta, Canada
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March, 1983

The Honourable G. Amerongen
Speaker
Legislative Assembly of Alberta

Sir:

I have the honour to submit the Annual Report of the Alberta Human Rights Commission for the fiscal year ended March 31, 1982. The report is submitted in accordance with section 18(2) of the Individual's Rights Protection Act.

Respectfully submitted,

Leslie G. Young
Minister of Labour



HUMAN RIGHTS COMMISSION

Room 902, 10808 - 99th Avenue, Edmonton, Alberta, Canada T5K 0G2 403/427-3116

March, 1983

The Honourable Leslie G. Young
Minister of Labour
Room 404, Legislature Building
Edmonton, Alberta

Dear Mr. Young:

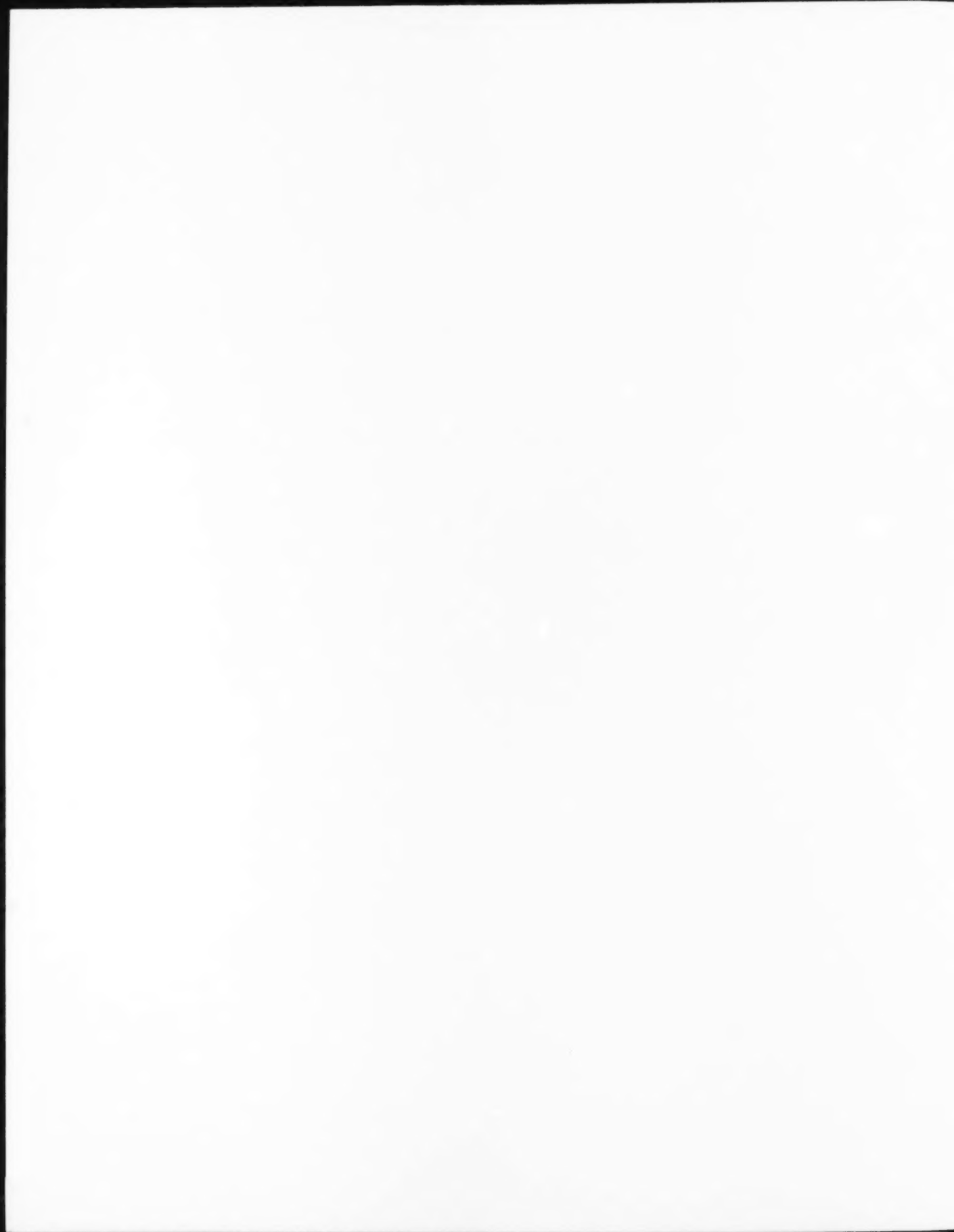
I am pleased to submit to you, the Minister responsible for the administration of the Individual's Rights Protection Act, the Annual Report of the Alberta Human Rights Commission for fiscal year 1981/82 for tabling before the Legislative Assembly.

Yours truly,

A handwritten signature in cursive script, reading "Marlene Antonio".

Marlene Antonio
Chairman





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"... it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in dignity and rights without regard to race, religious beliefs, colour, sex, physical characteristics, age, ancestry or place of origin . . ."

. . . From the Preamble to the Individual's Rights Protection Act.

Chairman's Report

The Alberta Human Rights Commission has had a successful year. We are proud of our accomplishments, confident that this Commission ranks second to no other in Canada.

The most controversial issue dealt with was the problem of discrimination within the insurance industry. In 1978, a board of inquiry ruled that practices of the insurance industry were in contravention of the terms of the Individual's Rights Protection Act. In October 1981, the Commission, after months of preparation, published a report entitled "Discrimination Within the Insurance Industry in Alberta".

The Commission emphasized that automobile insurance rates would not be discriminatory if factors other than gender were considered in the establishment of rating schemes. Among factors to be considered should be an individual's use of drugs or alcohol and personal driving experience. Consequently, a request was made that consideration be given to rating schemes that allow, particularly in the automobile industry, an individual's rates to be a function of his or her (driving) record.

Since this report was published, in-depth discussions between the AHRC and representatives of the Insurance Bureau of Canada have been held in order to encourage driver rating schemes which would focus more on an individual, not a group. Discussions are ongoing. The Commission is optimistic that changes will be made that will alter current discriminatory rating schemes.

During the past year, the Commission has directed the appointment of a number of boards of inquiry. The purpose of such boards is to seek resolution of human rights cases that cannot be settled through normal channels. Often, it is necessary to direct a board of inquiry in order to clarify legal interpretation of human rights legislation. One landmark ruling was obtained when it was ruled that police services are indeed services customarily available to the public and as such fall under the provisions of the IRPA. Results of future boards of inquiry will continue to set human rights precedents, not only for this province, but for other jurisdictions as well.

One of the most ambitious Commission projects during the past 12 months was its undertaking to emphasize the importance of the educational mandate of the Commission. The Commission has made every effort to reach out, by a variety of means, to citizens of Alberta—young and old, minorities, employees and employers.

One of the most effective ways to reach the public has been through the media. The Commission invited members of these groups to attend public portions of regular monthly meetings. Additionally, the Chairman and Commissioners have accepted every opportunity to appear as "guests" on local radio and television programs. In conjunction with CHQC-TV in Edmonton, the Chairman has appeared in a series of eight half-hour programs highlighting the Commission and human rights issues within the province. The series has had wide coverage in the Edmonton area.

In an attempt to reach Albertans on a more personal basis, the Commission held meetings in Grande Prairie and Red Deer. Such meetings, including receptions and formal presentations, allowed the Commission the opportunity of talking on a one-to-one basis with residents of the communities. The Commission will continue to hold meetings in centres other than Calgary and Edmonton.

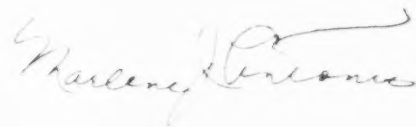
The Commission has furthered its educational mandate by speaking with as many groups as possible. Commissioners have spoken to service clubs, Chambers of Commerce, and specific interest organizations. Staff members have conducted seminars, workshops and made numerous presentations in schools throughout the province. We have demonstrated, through participation, the importance of our educational responsibilities.

The Commission has produced two pamphlets which have enjoyed wide distribution. One pamphlet is of interest to the public at large, while the second is directed toward the concerns of employers, landlords and those who provide service to the public. Both emphasize that while all parties have rights, they also have responsibilities. The role of the Alberta Human Rights Commission is to uphold the provisions of the Individual's Rights Protection Act in a fair and impartial manner.

There were two special activities of which the Commission is very proud. Both are related to children. A poster contest focusing upon the International Year of the Disabled was sponsored by the Commission. The response was gratifying as many elementary school children chose to participate in this human rights theme.

The second event was a celebration, complete with birthday cake, shared with a group of elementary school students from Calgary's Brentwood School. The children told the Commission about the Society for the Prevention and Elimination of Discrimination and Stereotyping (SPEDS), and in so doing helped the Commission mark December 10, Human Rights Day.

In the future, as in the past, the Commission will continue to promote principles of human rights using whatever powers are granted by the IRPA. Foremost among these will be the exercising of its educational mandate by promoting educational programs designed to acquaint citizens of Alberta with the membership and functions of their Alberta Human Rights Commission.



Marlene Antonio, Chairman
Alberta Human Rights Commission

Introduction

With the passing of the Individual's Rights Protection Act (IRPA) in 1972, the government of Alberta confirmed its belief in the worth of individuals and in human rights. The IRPA was hailed as one of the most comprehensive and encompassing acts in the country. In fact, it was the only human rights act in Canada which was primacy legislation.

In the decade since the Act was passed, there have been changes, not only in people's attitudes towards the legislation but in the legislation itself. Prohibited areas and grounds for discrimination were expanded and more precise definitions about what constitutes discrimination were advanced. In its tenth year of enforcing the provisions of, and telling Albertans about the Act, the Alberta Human Rights Commission takes pride in its role in helping to remove barriers created by unjust discrimination.

Individual's Rights Protection Act

The Individual's Rights Protection Act, established a decade ago, legislated fair standards of practice. It cannot legislate standards for feelings or thoughts. Accordingly, the aim of the Act is to prevent discrimination. It cannot prevent prejudice.

Discrimination is defined as making a difference in treatment or favour of, on a class or categorical basis, with no regard to individual merit. Systemic discrimination occurs when an apparently neutral policy or practice has an adverse impact on a group of people. Prejudice is a way of perceiving a person or groups of persons and it suggests hostility, scorn, dislike or fear.

The Act covers three main areas — employment, tenancy and public accommodations. Within those areas, it is a contravention of the Act to discriminate on the basis of race, religious beliefs, colour, sex, physical characteristics, ancestry or place or origin. It is also a contravention to discriminate against people between the ages of 45 and 65 in employment or public notices or to discriminate on the grounds of marital status in employment.

Alberta Human Rights Commission

The body created to administer the Act, to educate and enforce was the Alberta Human Rights Commission. The Commission consists of seven members, including the Chairman, who are appointed by the Lieutenant

Governor in Council on recommendation of Cabinet.

To administer the complicated facets of the legislation, the Commission meets for two days every month, with meetings usually alternating between Calgary and Edmonton. Twice each year, the Commission meets outside these cities. In 1981, it met in Grande Prairie in June, and Red Deer in November.

At every meeting, a public portion is held where presentations are made, briefs presented, and details of closed cases released. The media, as well as interested citizens, are invited to attend the public sessions. The private sessions of the meetings are closed and all details remain confidential.

During the meetings, Commissioners formulate policies and review issues involving matters brought forth by staff and the general public.

In fulfilling the education role, Commissioners meet with individuals, special interest groups, service clubs and government committees to discuss concerns in the field of human rights.

The Commission is responsible to the Minister of Labour for the administration of the Act. Although the Commission is appointed by a government body, it is autonomous. Its independence is respected.

Administration

The daily administration of the Alberta Human Rights Commission is carried out by its staff of 26 employees, located in Edmonton and Calgary. The staff, which includes intake officers, supervisors, investigators and education officers as well as secretaries, receptionists and clerks, are all employees of the Alberta Department of Labour. The Northern Regional Office, in Edmonton, is responsible for all Commission activities in Red Deer and the northern part of the province, while the Southern Regional Office, in Calgary, is responsible for the area of the province south of Red Deer.

The Commission recognizes and commends the efforts of the staff in its goal to improve service to the public. With the continued support of this body of dedicated people, most cases placed before the Commission should be resolved or placed before boards of inquiry within 12 months. To assist in reaching this goal, the Alberta Human Rights Commission has recently acquired the services of legal counsel.

Commission Members (Retired)

The Commission underwent a number of changes during the past year. Terms ended for Chairman Robert Lundrigan and Commissioners Vina Christie and Richard Hiatt. Three new Commissioners, William Goetz, Sheryl Wowk and Alice Haxton were appointed and Marlene Antonio replaced Robert Lundrigan as Commission Chairman.



Vina Christie, Calgary
Retired, October 31, 1981

Vina Christie was appointed Commissioner in 1978. Born and educated in Manitoba, she has resided in Alberta since 1971. Her background is in public affairs with an international educational company, working throughout Canada, the United States and Europe. She is active in a number of community and cultural groups in Calgary, including serving on the executive, Special Projects, Calgary Centre for the Performing Arts.



Richard D. Hiatt, Winterburn
Retired, October 31, 1981

Richard Hiatt, a paraplegic since 1972, has been the Executive Director of the Alberta Division of the Canadian Paraplegic Association since 1977. Born and educated in Nebraska, he received his B.A. from Hastings College, Hastings, Nebraska. His experience covers 10 years in the field of Corrections, including police, probation and parole work as well as experience in the Edmonton Family Court. Involved in several committees and boards related to his work, Mr. Hiatt and his family reside in Winterburn, near Edmonton.



Robert A. Lundrigan, Edmonton
Retired, November 30, 1981

Robert Lundrigan, an Edmonton lawyer, was appointed the Chairman of the Commission in November, 1979. He served as a member of the Alberta Alcoholism and Drug Abuse Commission for six years. Born in Cardston, Alberta, Mr. Lundrigan received his B.A. and LL.B. degrees from the University of Alberta. He has served in executive capacities in a number of church and community organizations, and is well known for his involvement with, and assistance to, members of several minority groups.

Commission Members



Chairman, Marlene Antonio, Calgary
December 19, 1979 to December 31, 1983
Appointed Chairman December 1, 1981

Marlene Antonio, a Calgary educator, has extensive experience in education. She taught basic skills to the handicapped and the disadvantaged with the Division of Continuing Education for the Calgary Board of Education. She has taught in the Stettler, Medicine Hat, Drayton Valley school systems as well as in Mount Royal College, Calgary and the Faculty of Education, University of Calgary. She has worked as a geologist with Texaco Exploration and the University of Saskatchewan, (National Research Council). She received her B.Ed. and B.A. from the University of Saskatchewan and was that university's first woman graduate in geology. She has also completed graduate work in education at the University of Calgary. Mrs. Antonio is also actively involved in various social organizations, including coaching little girls' softball with the community leagues of Calgary.



Evelyn Norberg, Slave Lake
June 26, 1978 to May 31, 1982

Evelyn Norberg was born in Slave Lake and attended schools in Kinuso and Dawson Creek, B.C. She has been the assistant administrator of Providence Hospital in High Prairie, and was a supervisor at the Peavine Metis Settlement School. In 1977 she was appointed executive director of the Native Friendship Centre in Slave Lake. She has served as a hospital trustee and is a member of the Ministerial Advisory Board on Native Education for Alberta. Mrs. Norberg was appointed November, 1980 as a member of the investigation committee of the Northland School Division.



Roland Miles, Edmonton
November 7, 1979 to October 31, 1983

Roland (Rollie) Miles, a former professional athlete and football player, is supervisor of physical education for the Edmonton Separate School Board. He played 11 seasons for the Edmonton Eskimos and is the first professional athlete to be nominated to Edmonton's Hall of Fame. In recognition of his involvement in community activities, Mr. Miles has been cited by the City of Edmonton's 75th Birthday Committee. A former director of the Canadian Council of Christians and Jews, he is active with the Canadian Progress Club Council. He received his B.Ed. degree from the University of Alberta and his Master's degree in Family Counselling and Guidance from the University of Arizona.

Commission Members

Stanley Scudder, Edmonton
April 1, 1981 to March 31, 1985

Stanley Scudder, born in Winnipeg, Manitoba, is president of an Edmonton insurance agency and has been associated with the insurance industry for the past 35 years. He is involved with church activities and is chairman of the Church and Society Committee, a subcommittee of the Edmonton Diocese of the Anglican Church. That committee is concerned with such topics as justice, native concerns and the problems of the needy and oppressed. He is founding president of the Westmount Christian Council, an ecumenical group in West Edmonton.



William Goetz, Calgary
November 1, 1981 to November 1, 1985

William Goetz, corporate vice-president, human resources, Burns Foods Ltd., in Calgary has been with the company since 1949 when he started in Kitchener, Ontario as an accounting junior. He was transferred to Calgary in 1957 when he became assistant to the general manager of industrial engineering; 1965, to general manager of personnel and industrial relations; 1967, executive assistant to the president; 1974, vice-president and director of industrial relations and to his present position in 1981. As corporate vice-president for human resources, he is responsible for staff training, internal security and staff personnel policy. During his career with Burns, he has developed a thorough background in employee and industrial relations and corporate affairs.



Sheryl Wowk, Edmonton
November 1, 1981 to November 1, 1985

Sheryl Wowk was born and raised in Edmonton and has been involved for a number of years in community affairs, including volunteer work for the United Way and the mentally disabled. She is actively involved in union activities and was a member of the executive council of the Alberta Federation of Labour, serving as chairman of the AFL's Human Rights Committee. She has worked for Air Canada for the past 16 years.



Alice Haxton, Fort McMurray
February 10, 1982 to January 31, 1986

Alice Haxton is one of the pioneers of the Fort McMurray area and both she and her late husband are well-known in the community. She was born and raised near Winnipeg, Manitoba and lived in northern British Columbia before moving to Fort McMurray. She was widowed in 1972 and operated the family-owned business, Haxton's General Store, on her own until it was destroyed by fire on Christmas Day, 1979. Although she has not rebuilt the store, she is still actively involved in the business community. She is a member of the Oil Sands Impact Committee, vice-president of the Fort McMurray Chamber of Commerce and president of the Fort McMurray Burns Club.



Committees, Policies and Issues

The Alberta Human Rights Commission established special committees in August, 1980 to focus attention on and study specific areas of human rights legislation. The committees, made up of a chairman and at least one other Commissioner, meet at least once every four months. Each Commissioner is asked to research all available information. The committee then draws up recommendations which are taken to the Commission.

At present, three committees are functioning while two have been disbanded. The Equal Opportunity and the Public Services and Minorities Committees have continued from last year. A new group, the Legislation Review Committee, was recently established.

Legislation Review Committee

This committee was formed to:

- (a) identify weaknesses in the Individual's Rights Protection Act,
- (b) consider areas that the Commissioners may wish to support for inclusion in the Individual's Rights Protection Act,
- (c) examine the Charter of Rights to determine how it will relate to provincial legislation.

Equal Opportunity Committee

The special concern of this committee is equality of opportunity in employment. Its responsibilities include the following areas:

- (a) systemic discrimination and special programs,
- (b) problems of women and native people in employment,
- (c) sexual harassment,
- (d) exemptions on the basis of bona fide occupational qualifications opinions.

Public Service and Minorities Committee

This committee's responsibilities include looking into:

- (a) problems experienced by any of the protected groups relating to
 - i. tenancy,
 - ii. services or facilities customarily available to the public,
- (b) current problems encountered by any minority,
- (c) liaison with minority organizations and, where possible, encouraging minority groups to make representations to the Commission.

During the past year, the Alberta Human Rights Commission has continued to research, discuss and establish guidelines and policies in areas of concern and interest to both the public and the Legislature. Policies and positive guidelines not only enable the staff to deal more efficiently with complaints and questions surrounding the Act, but also give both the complainants and respondents a clearer understanding of the Individual's Rights Protection Act.

Discrimination, Insurance Industry

A position statement on discrimination in the insurance industry in Alberta was prepared by the

Alberta Human Rights Commission and released in October, 1981. The statement noted that an insurance board of inquiry had ruled in December, 1978 that the classification systems used by the insurance industry, based on gender, constituted a discriminatory practice in breach of the Individual's Rights Protection Act.

The board, however, felt it did not have sufficient information on which to base a recommendation as to whether the industry should be exempted from the requirements of the Act.

In its position statement, the Commission noted that "for more than three years now, the Human Rights Commission has thoroughly studied this issue and the most current information and trends in the industry relating to discriminatory practices. We find the issues to be far more complicated than we had previously thought. Different considerations apply to the various types of insurance offered in Alberta.

"There is no doubt that a blanket exemption as requested by the insurance industry should not be granted. This would permit the industry to discriminate on the basis of race, a practice which the industry so vigorously defended on the basis of statistics and fairness, in the not-too-distant past."

The Commission felt that whatever was done to resolve the question of discrimination in the insurance industry, it should be done within the framework of the IRPA. In its position paper, the Commission asked for a Royal Commission to inquire into the matter but the request was not granted by the government.

Since the position paper was issued, the Commission has heard from a number of people who feel that they were discriminated against by insurance companies because of physical characteristics.

The Commission has also held a number of meetings with representatives from the insurance industry, including members of the Insurance Bureau of Canada and the Canadian Life and Health Insurance group in an attempt to work out a mutually acceptable resolution of the problem.

Conflict of Interest

To ensure that each issue which comes before them is approached objectively, the Commissioners adopted the following policy:

"Any issue or party before the Human Rights Commission must be dealt with in an efficient, impartial and unbiased manner. Under the special obligation, there must be no hint of any conflict between the private, professional or business interests of the Commissioners and its public responsibility."

The policy states that when a Commissioner is in a "real or apprehended conflict, (he or she) shall simply declare their interest and stand down and excuse themselves from debate."

Boards of Inquiry

The Commission has been confronted with hostile reactions by some of the provincial periodicals. Such hostility stems from a failure on the part of these periodicals to read and to understand the legalities of the Individual's Rights Protection Act with respect to the Commission's role in investigating complaints and its role (or lack thereof) in boards of inquiry.

Consequently, there has been an increased emphasis by the Commission to explain to all Albertans the delineation of authority for both the Commission and the appointed boards - two completely independent bodies.

A complainant's first contact with the Alberta Human Rights Commission is at the staff level. If, after an impartial gathering of facts and evidence, investigating officers determine that there was a contravention of the Act, staff members try to bring about a settlement between the complainant and respondent.

If they cannot do so, the matter is brought before the Commissioners who also try to work out a settlement between the two parties.

If the Commissioners cannot effect a settlement, they may direct the Minister of Labour to appoint a board of inquiry. At this point, the Commission has no jurisdiction in the case other than carrying the complaint to the board.

At the board of inquiry level, the hearings fall under the Public Inquiries Act and all details are public knowledge. The board of inquiry, a body distinct from the Alberta Human Rights Commission, is the only body empowered to order provisions in the resolution of the case. Such orders vary, depending upon the circumstances of each case.

Amendments to the Act in 1980 assured that rulings from the boards of inquiry have the same effect as an order from the Court of Queen's Bench. Either party can appeal the board of inquiry rulings on points of law alone or on law and facts. A board's decision cannot be appealed on facts alone. The responsibility for releasing the findings of such boards of inquiry rests with the chairman of the board of inquiry. The Commission is not authorized to release details.

Mumtaz Fazal v. Chinook Tours Ltd.

A woman who was fired because of her accent was not the victim of discrimination, according to M.D. McGown, chairman of the board of inquiry called to hear the case of Mumtaz Fazal against Chinook Tours Ltd., of Calgary.

Ms. Fazal, a South Asian who lived in Tanzania for 22

years before coming to Canada, was fired because her employers said clients had difficulty understanding her accent. She filed a complaint with the Alberta Human Rights Commission, alleging discrimination under the Individual's Rights Protection Act, because of ancestry and place of origin.

She was hired by Chinook, a Calgary travel agency which deals mainly with other travel agencies, in November, 1979 and fired the following March. She filed her complaint with the Commission in March, 1980.

The travel agency organized group vacation packages and sold them to agents who phoned and requested specific travel programs. Most of Ms. Fazal's work as a travel consultant was done over the phone. The president of Chinook indicated that he started to receive complaints about Ms. Fazal about a month after she started work. The complaints, he said, centered around language and attitude and seemed to stem from a general communications problem. Witnesses at the inquiry testified that they had difficulty understanding Ms. Fazal over the telephone. They said that it was not the accent that bothered them, but rather the fact that they could not, or had difficulty, understanding her.

Ms. Fazal testified that nothing derogatory was ever said to her by Chinook about her race or colour.

In his report, Mr. McGown noted that there was no discrimination "because no evidence was called to suggest Mumtaz Fazal was treated any differently than anyone else who was or might be subject to a similar set of circumstances."

The board of inquiry chairman said that communications problems cannot be found to be in violation of section 6(1)(a) (now 7(1)(a)). Chinook, he ruled, did show a legitimate non-discriminatory reason for its actions.

"I might add that I have found this case to be a difficult one" he said in his report. "On one hand, you have an employee who felt hurt and indignant over being terminated from employment. I am sure she felt she was doing a good job; and indeed, Chinook does not contest her general ability. That being so, it is natural for her to assume she has been discriminated against. And discrimination must be guarded against."

"But equally so, an employer cannot be placed in a position where his business is being detrimentally affected for a reason which, in his mind, has nothing to do with any form of discrimination. The employer, too, has rights which must be respected. The balance between the rights of the employee and the rights of the employer is a delicate one indeed, but it is a balance which must be maintained."

Education and Awareness

Presentations

The focus of the Individual's Rights Protection Act is on education and enforcement. In fulfilling its responsibilities within the education role, the Commission met with groups at both the public and confidential portions of its monthly meetings.

- Among the groups which made presentations were:
- Council of South Asians: discussed harassment and the attempted burning of a Sikh temple,
 - Calgary Committee of Consumer Groups of Disabled: presented its viewpoint on making Calgary LRT transportation system available to the disabled,
 - Nova Corporation: discussed company programs which encourage the hiring and training of the disabled,
 - League for Human Rights of the Canadian B'nai B'rith: outlined the history of the organization and its aim to strengthen religious tolerance in the community,
 - Native Disabled Society: talked about mutual problems,
 - Committee Against Racism: explained how the group was formed to combat institutional racism,
 - Alberta Pharmaceutical Association: regarding sale of alcohol-containing products for non-medical purposes,
 - Native Outreach Program: explained how the program works and that more help was needed in finding jobs for natives,
 - Alberta Committee of Consumer Groups of Disabled Persons: discussed problems faced in everyday situations by the disabled,
 - Alberta Handicapped Communications Society: discussed matters of mutual concern,
 - Gay Alliance Toward Equality: presented a brief asking for inclusion of sexual orientation as a protected category within the Act,
 - Canadian Organization of Small Business: mutual discussion of Individual's Rights Protection Act and enforcement by the Commission.

Individuals also met with the Commission during the public sessions to present their concerns in areas ranging from sexual orientation as a protected category within the IRPA, to difficulties faced by the disabled who try to buy life insurance. The Commission also met with members of the Canadian Human Rights Commission, handicapped groups, public servants involved in special employment programs, Calgary police committees, native groups, government officials and minority groups.

Human Rights Day

The highlight of the December meeting of the Commission was a visit from the children of the SPEDS program. SPEDS, which stands for the Society for the Prevention and Elimination of Discrimination and Stereotyping, was developed by the Calgary Board of Education and is now available through the School Book

Branch as a "recommended resource". The social studies program was drawn up to make children aware of human rights issues in history and contemporary culture.

December 10 has been declared International Human Rights Day by the United Nations. In order to share this day with a special group, the Commission invited these youngsters to attend the December meeting. The children sang their theme songs and gave a lively presentation of the lessons learned under the SPEDS program. The celebrations concluded with the sharing of a cake commemorating the official birthday of human rights.

School Poster Contest

To make young people more aware of the International Year of Disabled Persons, the Commission sponsored a poster contest for elementary students within the province. There were two divisions - the first included grades 1, 2, and 3, while the second was for grades 4, 5, and 6. First prize in each category was a \$200 treasury certificate; second prize, a \$100 treasury certificate; and third prize, a \$50 treasury certificate.

Winners of the contest were:

- Grades 1 to 3: first prize — Sean Kenny of Rockyford Public School, Rockyford; second — August Steinhauer, Ashmont Elementary School, Ashmont; third — Chris Rosin, Elmer School, Craigmyle.
- Grades 4 to 6: first prize — Michelle De Ste. Croix, St. Louis School, Medicine Hat; second — Sheila Rayavarapu, College Heights Adventist Junior Academy, Lacombe; and third — John Dodge, McKay Road School, Calgary.

Awards were presented in the Legislature Building in Edmonton by the Honourable Les Young and the Honourable Jim Horsman.

Special Meetings

As well as meeting various groups and individuals at regular Commission meetings, members of the Alberta Human Rights Commission also participated in special meetings and activities such as:

- The opening of the William Watson Lodge, a provincial government undertaking, in Kananaskis Country. The lodge was designed for disabled and senior citizens so that they could have an equal opportunity to enjoy outdoor recreation activities,
- The All Canada Sikh Convention, held in Calgary. Theme of the conference was "Principles, Responsibilities and Opportunities",
- An orientation session with the Personnel Planning and Career Development unit of the Alberta government,
- The Labour Law subsection meeting of the Canadian Bar Association,
- The Canadian Association of Statutory Human Rights Agencies annual meeting in Windsor, Ontario,
- Alberta Hospital Association Conference in Calgary,
- Small Business Week in Canada (with displays and information booths in both Calgary and Edmonton).

Education and Awareness

Public Affairs

In their role as educators, Alberta Human Rights Commissioners took part in a total of 119 newspaper, 90 radio, 55 television and 25 periodical magazine interviews.

- Highlights of the public relations program included:
- final editing, production and publication of two pamphlets, "You Have the Right" and "Complainants/ Respondents Guide";
 - establishing an editorial policy for the Alberta Human Rights Journal quarterly;
 - an extensive radio advertising campaign to help celebrate International Human Rights Day, December 10;
 - preparation of background material to be used by Commissioners for speech presentations;
 - the purchase of two portable display systems for fairs, exhibitions and conferences;
 - news releases on a regular basis notifying the media of upcoming Commission meetings and closed cases as well as releases on items of general interest;
 - media advertising for the Red Deer Commission meetings;
 - preparation of a public affairs program to encompass literature, advertising, exhibits and displays, media relations and contact with special interest groups.

During the last year, the public affairs officer, staff and Commissioners handled more than 300 calls and enquiries from the media. As well, the regional offices received more than 7,000 calls from the public.

Regional Meetings

Grande Prairie

The June meeting of the Commission was held at The Golden Inn at Grande Prairie. During the meeting the media and public were told that the two most serious discrimination problems were against native people in jobs and society and the lack of equal opportunity in employment for women. Briefs were presented by members of the gay community, disabled groups, the B'nai B'rith, and the Sikh Youth Federation of Canada. A public reception which enabled citizens of that area to meet the Commission and to discuss relevant material on an individual basis, was held after the meeting.

Red Deer

In keeping with its new policy of holding at least two meetings a year outside of Edmonton and Calgary, the Commission held its November meeting in Red Deer. During the meeting, systemic discrimination was explained and examples of cases that had been resolved by the Commission were given. The public program was expanded for this meeting to include short speeches by:

- Commissioner Marlene Antonio, who spoke about

discrimination against women caused by barriers in employment.

- Commissioner Rollic Miles who gave examples of special action programs designed to prevent discrimination against women and minority groups;
- Commissioner Evelyn Norberg who told the meeting of the problems faced by native people in society and in trying to find jobs;
- Commissioner Stan Scudder who told the media and public that 10 per cent of all Canadians fell into the physical characteristics category of the Act and that the majority of these Canadians were employable.

Representatives from the Canadian National Institute for the Blind, mentally disabled groups, the Samson Indian Band, organizations of retired citizens and sports groups attended the meeting and presented briefs or reports to the Commission.

A public reception was also held in Red Deer for the same purpose as described for the Grande Prairie meeting.

Regional Offices

An education officer is stationed at the northern and at the southern regional offices. During the past year, they worked together on a number of activities including:

- education program objectives paper: detailing the objectives, philosophy, focus and scope of the education program;
- employer workshop format: a proposal on workshop objectives, implementation options, content guidelines and resource materials;
- educational proposal for Alberta schools: pointed to the need for assessment of present human rights educational activities in the school and for subsequent evaluations of future educational needs;
- table of contents for policy and procedures manual: the manual was organized according to a decimal system.

The education officers also participated in other communications activities such as helping to prepare a format for the Alberta Human Rights Journal, organizing activities for the Commission meeting in Red Deer, researching and writing two new brochures issued by the Commission and beginning work on data sheets for employer workshops.

As well as the administrative work, the education officers, who both joined the staff in mid-summer, made a total of 50 speeches to schools and universities; 45 presentations and workshops to employers, unions and business organizations; 36 talks to special interest groups and other service clubs; and 13 presentations to government agencies. Their role was complemented by the Commissioners who gave speeches to service clubs and educational organizations.

Decisions and Cases

Update from 1980-81

Sarah Butson and Lynda Little v. Steel Company of Canada (Stelco)

Two women who complained that Steel Company of Canada (Stelco) discriminated against them because of their sex, settled their complaints against the company before a board of inquiry opened hearings in Edmonton.

Sarah Butson accepted an out-of-court cash settlement negotiated the day before the hearings were to begin. Lynda Little withdrew her complaint against the company.

The complaints were filed in 1979 after the women were refused employment as machine operators with the Edmonton branch of the company. They were told at the time that they would have to wait until the company built ladies' washrooms.

The complaint of sex discrimination in employment was substantiated but a settlement could not be reached. The Minister of Labour was directed to appoint a board of inquiry. The board, chaired by Maurice Sychuk, was first scheduled for June, 1980, but at the hearing, counsel for Stelco objected to the Alberta Human Rights Commission lawyer acting as counsel for the two women. His objection was upheld by the Court of Queen's Bench.

The Commission appealed the decision but the Court of Appeal of Alberta decided that the Commission should not be accorded status before a board of inquiry, separate and distinct from that of the complainant and the respondent.

The court held that the Commission fulfills the role of an investigator and receiver of complaints and that Commission counsel could not, therefore, act for the complainants.

This decision of the court was remedied by statute section 29(1) of the IRPA. The Commission now has authority to carry a complaint to the board.

Judicial Decision

The Alberta Human Rights Commission v. The Alberta Blue Cross Plan

The Hon. Mr. Justice V.W.M. Smith

An application made by the Alberta Human Rights Commission for an order to compel the Alberta Blue

Cross Plan to produce personnel records of all Blue Cross employees from October 1, 1977 to October 1, 1980 was dismissed by the Hon. Mr. Justice V.M.W. Smith.

The case, at present, is still under appeal.

Selected Case Profiles

Employment/Applications

Case 81-030-89 ... Substantiated - Settled

After filling out an application form for an operator's position which asked about physical characteristics, height, weight, marital status, citizenship and then having to undergo pre-employment medical tests for height, weight and vision, a man filed a complaint with the Commission. The man was told that because 20/20 vision was mandatory for the job and because he wore glasses, he would not be eligible for the position.

He felt that his performance on the job had nothing to do with wearing glasses. Furthermore, he contended, the minimum height and weight requirements had the effect of screening out qualified women as well as qualified South Asian and Oriental people.

The Commission investigation substantiated the complaint. In settling the matter, the company:

- revised the application form so that it conformed to the provisions of the Individual's Rights Protection Act,
- issued a directive to all pertinent staff telling them of the new form,
- destroyed all old application forms,
- provided a written apology to the man,
- agreed to cease screening applicants for vision, with the only vision reference to be the driver's license notation,
- agreed to stop screening applicants on the basis of height and weight.

Employment/Equal Pay

Case 80-070-40 ... Substantiated - Settled

A woman who was promised a managerial position complained to the Commission that not only did she not get the job, but that while she was acting manager, she

Decisions and Cases

was paid considerably less than previous male managers. She said she was not getting equal pay for similar work at the same establishment, a contravention of the Individual's Rights Protection Act. There was a general willingness on the part of both parties to settle the matter and a pre-determination settlement meeting was called.

The respondent offered to make up the difference in wages between what the woman earned as manager and what the present manager was being paid, a difference of \$632.27. The employer also agreed to review personnel practices, especially in the area of job descriptions and promotions, to eliminate bias.

Employment/Age

Case 80-070-46 ... Substantiated - Settled

A 63-year-old woman who worked as a full-time clerk at a department store for 17 years, said she was discriminated against because of her age when she was told that she would be transferred to temporary staff. The reason given was that business had slowed down in the department in which she worked. The woman said that the forced early retirement, 15 months before normal retirement age, put her in immense financial difficulties, deprived her of sick benefits and six weeks' vacation pay and reduced her pension benefits.

The woman quit rather than accept reduced working hours.

A Commission investigation showed that management felt the department in which the woman worked was overstaffed. All full-time staff, except the 33-year-old supervisor, was put on temporary status.

The woman's nephew wrote to the company president about the situation and the president ordered management to re-instate the staff to full-time status. The woman, however, refused to go back to her job as she had already found other work. The company agreed to pay the woman \$6,616 for loss of wages, reduction in pension benefits and damages for pain and suffering. The company also affirmed that it would adhere to the provisions of the Individual's Rights Protection Act.

Services/Race

Case 81-120-78 ... Substantiated - Settled

A native who tried to rent a hotel room for his girlfriend was asked by the desk clerk if the woman was a native. When the man answered that his girlfriend, who was not present at the time, was indeed a native, the man

was told that the hotel policy barred native women from renting rooms. As a result of this rebuff, the man lodged a third-party complaint with the Commission, on behalf of his girlfriend, alleging race discrimination.

When the Commission investigated, it found that there was discrimination on the night in question. The clerk admitted that the rule was his own and that there was no hotel policy barring native women from renting rooms.

Hotel management offered an apology to the native woman and her boyfriend and gave the woman \$250 for general damages.

Management also issued a policy statement affirming adherence to the Act and a promise that the Individual's Rights Protection Act placard would be placed in a public place in the hotel.

Services/Race, Place of Origin

Case 81-030-83 ... Substantiated - Settled

Two white men filed a third-party complaint, alleging that during a conversation with a real estate agent, the agent said they "wouldn't have to worry about Pakis living next door; the builders won't sell to them."

The builders denied the allegation and the agent's employer noted that it routinely processed offers to purchase from South Asians. After Commission investigation, it was decided that the builders were not responsible for the discrimination but that there was merit in the complaint against the agent's sales talk.

The matter was settled when the real estate company president sent a letter of apology to the two men who made the complaint and directed all staff that any sales talk based on any of the prohibited grounds in the Individual's Rights Protection Act would not be tolerated. The directive was also incorporated into the company's policy manual.

Tenancy/Race, Ancestry

Case 80-110-45 ... Substantiated - Dismissed

When a Metis woman and her native roommate were served notice to vacate the apartment in which they lived, the Metis woman complained to the Commission that they were asked to leave because of their race. The woman said that the caretaker of the apartment treated them differently than the other tenants and that there was a definite pattern of discrimination against natives at the building.

Decisions and Cases

Information gathered during the investigation showed that race and ancestry were factors in the way that tenants were treated at the apartment building and that there was merit in the complaint.

However, when the Commission tried to settle the matter, the complainant could not be reached. The woman failed to show up for the two settlement meetings and the complaint was dismissed.

Tenancy/Sex

Case 79-030-96 ... Unsubstantiated - Dismissed

A single woman, evicted from a housing development, complained to the Commission that she was treated differently than male adult tenants in the same development. She said she was evicted because she had been away from her unit for more than 24 hours without notifying the manager. Other families with male adults in residence had been absent without telling anyone and had not been evicted, she said.

The company's representatives denied the allegations but had no documents to back their position. Records had been destroyed and conflicting information was given by different representatives of the company. One representative, for example, said an unidentified male had been evicted for the same reason but another representative said the woman was the only one who had been evicted for absence without notice.

Other tenants said that as far as they could recall, the woman who made the complaint was the only one who had been evicted for that reason. Families with adult male members in residence said they had been absent without notifying the manager but they could not verify whether the manager knew of their absences.

The Commission concluded that although there was an indication, from the tenants' viewpoint, that the manager dealt with women more harshly than men, the perceived pattern was not linked to the eviction of the woman. The complaint was dismissed.

Special Accommodations/Physical Characteristics

Case 81-031-67 ... Substantiated - Settled

A woman, born with a dislocated hip, was hired by a motel to work as a chamberperson. However, the day after she was hired, she received a telephone call from the assistant housekeeper telling her not to bother reporting

for duty. She was told that the work involved vacuuming and climbing ladders and with her hip disorder she would not be able to carry out her duties.

The woman, who had worked as a manual labourer on ranches, farms and with painting firms, filed a complaint with the Commission, alleging discrimination because of physical characteristics. Her complaint was upheld but the motel manager said that there had been no intention to discriminate and that the assistant housekeeper should not have hired anyone in the first place.

The Commission investigation showed that climbing ladders was not one of the main requirements of the job and urged motel management to make reasonable accommodation for the woman's disability.

The manager agreed and paid the woman \$370 compensation and gave her a job at the motel. He also said he would not ask the woman to sign any "waiver from damages" suffered from injuries on the job.

Employment/Physical Characteristics

Case 81-030-80 ... Substantiated - Settled

After working less than half of a two-week trial period as a cook, a woman who had to use canes while walking was fired. Her employers told her that they "couldn't have someone like (you) walking around." The woman filed a complaint of discrimination because of physical characteristics.

The woman had been hired by a manager for a two-week trial but the manager left before the first week was over. The owner of the business took over and after three days, fired the woman because of her disability.

The owner told the Commission that the woman would not be able to take stock, or perform her duties, that she would be slow, a danger, and that other staff would have to do her work for her. However, a Commission investigation showed that stock-taking was done by other staff before the woman's shift began.

The woman did not have any difficulty in working in the kitchen. Furthermore, orders did not back up while the woman was on duty and extra duties, such as clearing tables were routinely performed by other staff. The matter was settled when the owner agreed to pay \$77 to make up wages from the remaining week of the trial period.

For the Individual's Rights Protection Act to function effectively, all investigations handled by the Alberta Human Rights Commission must be impartial and objective. There can be no room for personal biases, beliefs or prejudices when it comes to determining whether an action by an individual or a company is a contravention of the Act. Alberta Human Rights officers are well aware of their role within the Act and thoroughly investigate every complaint which is filed with the Commission.

However, not everyone who comes to the Commission has a valid complaint. When there are other agencies or groups who may be able to help such people, they are

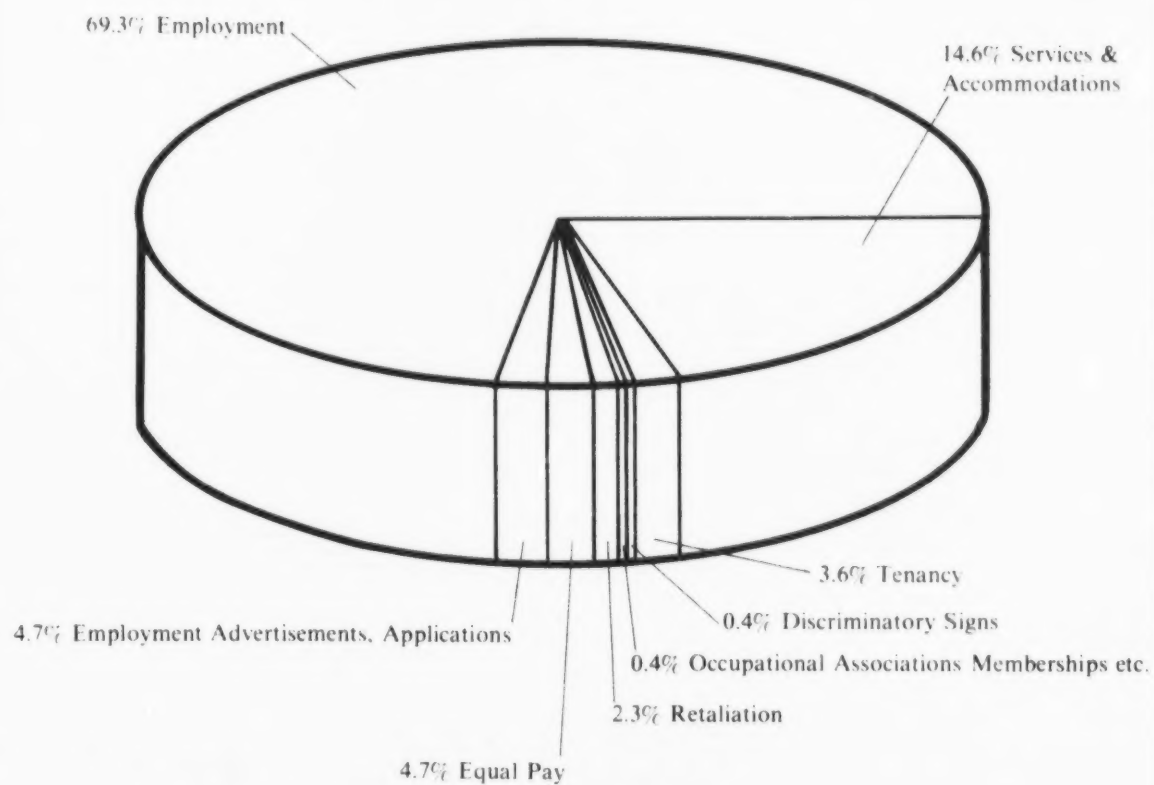
referred to the proper authorities. Last year, the Commission handled a total of 253 formal complaints, that is, complaints where the human rights officers believed there was a contravention of the Individual's Rights Protection Act. Efforts were made to investigate and resolve these cases as quickly as possible.

For a number of reasons, not all cases can be settled at the staff or Commission level and at that point, the Commission may direct the Minister of Labour to appoint a board of inquiry. It should be noted that more than 93 per cent of all formal complaints are settled by the Alberta Human Rights Commission without a board of inquiry being called.

Table 1
Formal Complaints for Total Province
April 1, 1981 - March 31, 1982
Complaints in Areas of:

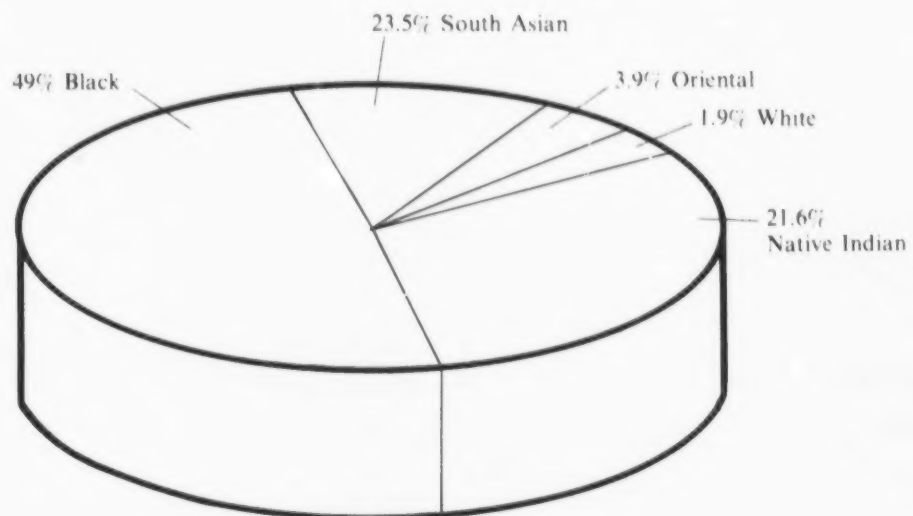
	Discriminatory Signs	Public Accommodation Services	Tenancy	Equal Pay	Employment	Advertisements Applications	Unions etc.	Retaliation	Total	Percentage
Race/Colour										
Black		12	1		12				25	20.2
Native		8			3				11	
S. Asian			2		10				12	
Oriental		1			1				2	
White										
Others					1				1	
Sex										
Male		2	2		3	3			10	50.2
Female		3	2	12	97	3			117	
Characteristics										
Relig. beliefs	1	2			4	1			8	3.2
Age					15		1		16	6.3
Ancestry		2			5	1			8	3.6
Pl. of Origin		1							1	
Marit. Stat.					4	1			5	1.9
Phy. Char.		6	1		21	3			31	12.3
Retaliation								6	6	2.4
Tot. (formal)	1	37	8	12	116	12	1	6	253	
Percentage	0.4	14.6	3.6	4.7	69.3	4.7	0.4	2.3		100

Formal Cases of Discrimination — by Prohibited Areas



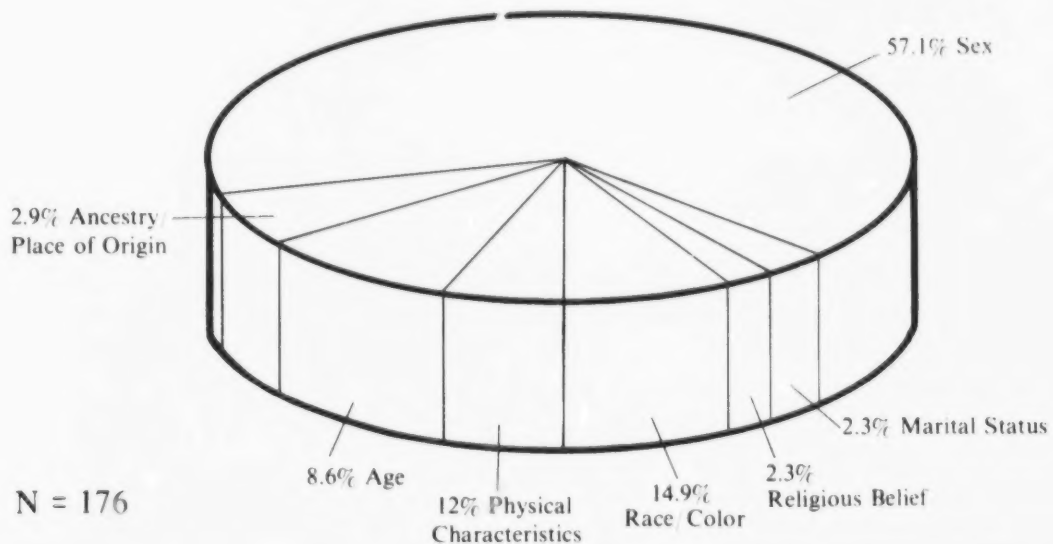
N = 253

Formal Cases Filed On Basis of Color/Race



N = 51

Formal Cases Filed on Basis of Employment



N = 176

Statistics

